

Vice Chairperson Guy Pfalzgraff called the regular meeting to order at 6:30 p.m. All commissioners were present with the exception of Tish Oelke. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

### **Officer Elections**

Vice Chairperson Pfalzgraff commented that it would be more favorable to hold officer elections at the end of the meeting in order to process the other items of the agenda more efficiently.

Commissioner Roberts motioned to hold officer elections until the end of the meeting.

Commissioner Riley seconded the motion.

All were in favor and the motion passed.

### **Citizen's Comments**

There were none.

### **Dawson Conditional Use Request: located at 1470 Highway 50**

Vice Chairperson Guy Pfalzgraff opened the public hearing and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

#### **Project Proposal:**

*The applicants are requesting approval of a conditional use to operate an auto salvage business at 1470 Hwy 50. Wrecking & salvage yards are only allowed as a conditional use in the I-R zone district.*

*The parcel is in the process of a zone change from B-3 to I-R. The intent of the I-R district is to create a transition area between industrial districts and residential districts which will allow and encourage use and expansion of residential uses, particularly those providing low cost housing stock, as a use by right, but also allow and encourage the expansion of industrial uses from the adjacent industrial districts.*

*Surrounding use districts, structures, and physical features include:*

*A-1 zoned parcel to the east*

*Crushing plant zoned I-2 to the Northwest*

*Gravel pit zoned I-2 to the South and Southwest*

*United Supply & Machine zoned B-3 to the North*

*A map of the area showing the zone district of each property within 100 feet is attached.*

#### **Providing Notice:**

*The Dawson's have complied with the notice procedures of section 17.04.290 of the Municipal Code by:*

**Dawson Conditional Use Request: located at 1470 Highway 50****Providing Notice:**

1. *Posting a sign continuously for at least (7) days before the hearing;*
2. *Publishing notice in a legal newspaper at least (7) days prior to the hearing, and;*
3. *Either hand delivering or depositing in the U.S. Mail, at least (7) days prior to the hearing, a copy of the above notice to the owner of record of any property inside the Delta City limits located within 100 feet.*

**Criteria for Conditional Use:**

*According to section 17.04.250 of the City Municipal Code, no conditional use or change in a non-conforming use will be allowed unless the Planning Commission determines that the following criteria are substantially met with respect to the type of use and its dimensional features:*

1. *The use will not be adverse to the public health, safety or welfare.*
2. *The use is not inconsistent with the City's Master Plan.*
3. *Streets, pedestrian facilities, water, sewer and other public improvements in the area are adequate.*
4. *The use is compatible with existing uses in the area and other allowed uses in the district and the type, bulk, height and location of any buildings or structures is compatible with other buildings, structures and the character of the area.*
5. *The use will not have an adverse effect upon other property values.*
6. *Adequate off-street parking will be provided for the use.*
7. *The location of curb-cuts and access to the premises will not create traffic hazards.*
8. *The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property.*
9. *Landscaping of the grounds and architecture of any buildings will be reasonably compatible with that existing in the neighborhood.*
10. *Any other criteria specified by other City ordinances or regulations are met.*

*Additionally, the Municipal Code states that:*

1. *The burden shall be upon the applicant to prove that these requirements are met.*
2. *The Planning Commission may impose conditions as necessary to insure that the above criteria are met.*

*Attached is the Dawson's explanation of how their request meets the criteria of Section 17.04.270.*

**Items for Discussion:**

*Section 17.04.210.D.3 of the Municipal Code requires that "automobile wrecking and salvage yards and junk yards shall have screening." The Planning Commission may want to discuss:*

**Dawson Conditional Use Request: located at 1470 Highway 50****Items for Discussion:**

1. *Screening of the property from Hwy 50*
  - A. *Type of screening material to be used*
  - B. *Location/placement of the screening material*
  - C. *Timeline for construction of the required screening*
2. *Parking & circulation*
3. *Access to the property improvements (as discussed by City Council)*

*Attached is a copy of Mrs. Dawson's site plan.*

**Staff Recommendations:**

*Staff feels that the Dawson's request substantially complies with the above criteria and recommends **approval** of the conditional use request **contingent** upon completion/satisfaction of the following:*

1. *Final change of zoning*
2. *Screening requirements*
3. *Road improvements and maintenance*
4. *Compliance with any other applicable City of Delta code(s)*

Vice Chairperson Pfalzgraff clarified the previous zoning change of the applicant. He then requested the applicant's presentation.

Janel Dawson, 1470 Highway 50, stated that they had already begun putting up the fence posts for a six foot high, chain link fence with green screening. She clarified where they were posted. She further discussed parking issue and stated that they had six parking places in front of the little green office building which she felt was enough because the majority of their customers are online.

Commissioner Grace questioned what the bodies of water were.

Mrs. Dawson replied that they were ponds.

Commissioner Grace also questioned how large the canal was and what the water was used for.

Mrs. Dawson replied that it was used for irrigation.

Commissioner Grace asked how many cars were at the property currently.

Mrs. Dawson replied 100-150 cars.

Commissioner Grace then expressed her concern of the leakage of fluids from old cars.

**Dawson Conditional Use Request: located at 1470 Highway 50**

Mrs. Dawson replied that she had applied for her storm water permit which would compensate for that. She stated that all the cars were located up on a hill far away from water and when the cars arrive they are drained of their fluids.

Commissioner Raley questioned if there is enough room for trucks to turn around.

Mrs. Dawson replied that a semi made a delivery along with a gas truck and both were able to do so easily by driving around the office building.

Commissioner Roberts wanted clarification about the fencing location.

Mrs. Dawson requested 30-60 days to complete fencing.

Commissioner Bell requested clarification of the current position of the zoning application per City Council.

Commissioner Roberts favored screening the full length of the North and Southwest boundary.

Mrs. Dawson discussed neighboring properties, the length of the proposed fence, and property easements providing access.

Vice Chairperson Pfalzgraff asked for public comment.

Bob Cornelson, owner of tannery property, questioned the easements and stated that he is in favor of the screening. The other owner of the tannery expressed his concern of the access road and also believes that a junk yard does not fit in with the newly developed houses to the north of Highway 50.

Vice Chairperson Pfalzgraff closed the public hearing and requested commissioner comments.

Commissioner Jahn stated that he would like to see screening along the whole northern to northwest sides of the property.

Commissioner Bell expressed concern of the burden put on the existing property owner.

Commissioner Raley questioned if the commission could extend the deadline of completion for the applicant.

Mr. Black replied that yes, they could grant an extension of time. He reminded everyone that this would be a condition that would have to be addressed or the applicant would lose the approval of conditional use.

Commissioner Roberts stated that the applicant should be required to screen the entire North side, gravel the access road, including the used car sales area, and only allowing the parking of used cars in that area.

**Dawson Conditional Use Request: located at 1470 Highway 50**

Mr. Black suggested that the commissioners' motion should include the condition of no stacking of cars.

Commissioner Roberts motioned to approve the Dawson request to operate a business of auto salvage located at 1470 Highway contingent upon the following: compliance of the conditional use requirements at 17.04.250 of city code, any other applicable City of Delta regulations, including the steps and recommendations discussed, which are the final change of zoning, the screening requirement of the entire North side to the South west, maintenance of the entrance by either the applicant or the property owner of that driveway, the used car sales section will be graveled, and no stacking of any cars.

Commissioner Raley seconded the motion.

Vice Chairperson Pfalzgraff reviewed the motion

All were in favor and the motion was passed.

**Jennings Landing Initial Zoning: located at 392 & 398 1700 Lane**

Vice Chairperson Pfalzgraff opened the public hearing and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

**Project Proposal**

*This is the initial zoning of 392 & 398 1700 Lane, which is currently going through the annexation process. The applicant is requesting that this property be zoned to a district that will allow them to develop an approximately 249 unit residential subdivision. The R-2 zone district allows residential development at this density.*

**Providing Notice:**

*The applicant has followed the standard noticing procedure as required by section 17.04.290 of the Municipal Code by:*

- 1. Posting a sign continuously for at least (7) days before the hearing;*
- 2. Publishing notice in a legal newspaper at least (7) days prior to the hearing, and;*
- 3. Either hand delivering or depositing in the U.S. Mail, at least (7) days prior to the hearing, a copy of the above notice to the owner of record of any property inside the Delta City limits located within 100 feet.*

**Staff Recommendations**

*Staff is recommending that the property's zone district be established as R-2. The R-2 district allows single family homes and duplexes at a maximum density of 6,000 sq ft lots for single family units and 9,000 sq ft lots for duplex units (4,500 per unit).*

**Jennings Landing Initial Zoning: located at 392 & 398 1700 Lane**

Commissioner Roberts requested clarification of why there were only 2 addresses with 3 parcels.

Mr. Black explained that all parcels were going through a boundary adjustment and upon completion of this they will be recorded as one piece.

Mr. Black wanted to clarify that the initial zoning is contingent upon the decision of City Council for the completion of annexation.

Matt Brezonick, Jehn Engineering, 326 Main St., stated that he would go into more detail of the plans during the sketch plan. He stated that the contingency of the annexation should be resolved on the 15<sup>th</sup> of May.

Mr. Black elaborated on the annexation process.

Mr. Brezonick explained that because of the mix of housing in the plan R-2 zoning was necessary to support the development.

Commissioner Bell expressed his concerns for a traffic study.

Mr. Brezonick stated that he had planned to address that issue prior to the preliminary hearing.

Mr. Black reviewed the minimum requirements of a sketch plan with the commissioners.

Vice Chairperson Pfalzgraff requested public comment.

Carol Slaughter, 1753 Highway 50, wanted to know where the entrance route to the subdivision is to be located.

Mr. Black clarified it would be from E Road and 1700 Lane with the possibility of an alternate route on the southeast end of the development.

Mr. Slaughter reported that his property is located to the Southeast.

Vice Chairperson Pfalzgraff wanted to clarify the wetland area. There was no further public comment. He closed the public hearing and requested commissioner comments.

Commissioner Roberts stated that R-2 zoning was sufficient for the plan.

Vice Chairperson Pfalzgraff was in agreement of the R-2 zoning also.

Commissioner Jahn motioned to recommend approval for the initial zoning request to set the zone district located at 392 & 398 1700 Lane, contingent upon the annexation request completion.

Commissioner Grace seconded the motion.

All were in favor and the motion passed.

**Jennings Landing Sketch Plan: located at 392 & 398 1700 Lane**

Vice Chairperson Pfalzgraff opened the public meeting and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

**Project Proposal**

*The Jennings Landing Sketch Plan proposes to subdivide approximately 102 acres into approximately 249 lots for 273 units as follows:*

- 27 estate
- 36 medium density
- 162 high density
- 24 duplex

**Zoning Regulations**

*The property's zone district is to be decided. The applicant is requesting that the property's zone district be established as R-2 (see the Jennings Landing initial zoning staff report).*

**Sketch Plan Requirements**

*Staff review of the sketch plan has found it to substantially comply with the sketch plan review requirements of 16.04.050 (C).*

**Required Improvements, Dedications, and Minimum Design Standards**

*The following will need to be addressed and/or corrected at preliminary:*

***1. Streets/Access:***

- A. *Dedication will be required to widen E Rd to a 60' width.*
- B. *Dedication will be required at the southeast side of the parcel for future street connection.*
- C. *A secondary access to the south needs to be evaluated.*
- D. *A traffic study is required for Hwy 50 & E Rd improvements.*
- E. *Access to properties adjacent to 1700 Lane needs to be shown.*
- F. *Proposed street names need to be shown.*
- G. *Off-site improvements, such as improvements to E Rd, will be required.*

**Jennings Landing Sketch Plan: located at 392 & 398 1700 Lane****2. Streets/Access:**

*H. Lots accessing collector streets are required to have on-site turn around.*

**3. Utilities:**

*A. A water system study will be required.*

*B. Fire flow will need to be addressed.*

*C. Additional fire hydrants may be needed to comply with spacing requirements.*

*D. Sanitary sewer must be extended to the subdivision.*

**4. Easements:**

*All existing easements, such as irrigation or access easements (1700 Lane), need to be shown.*

**5. Storm Drainage:**

*Storm drainage will need to be addressed.*

**6. Landscaping/Irrigation:**

*A. Landscaping & irrigation plans are required.*

*B. Irrigation ditches must be piped.*

*C. Perimeter fencing may be required.*

**7. Parks/Open Space/Trails:**

*A. Additional pedestrian ways, not less than 10' wide, will be required to provide access between non-through streets such as cul-de-sacs, open space, or adjacent parcels.*

*B. The park will need to be maintained by an HOA or dedicated to the City.*

**8. Misc.:**

*A. Many of the lots bordering the southwest part of the subdivision may have stability issues. A geotechnical/hill stability report is required.*

*B. The preliminary plan must show all areas & uses and address how non-build able areas (hillside, wetlands) will be maintained.*

*C. What are the plans for the existing structures?*

*D. Where will the mailboxes be located?*

*E. Where will the bus stops be located?*

*F. Sketch plan approval shall expire 1 year from the date of such approval.*

**Staff Recommendations**

*This submittal appears to substantially comply with the sketch plan requirements of 16.04.050 (C). The issues listed above (minimum design standards) will need to be resolved during the preliminary process. The development must comply with all City requirements.*

***Staff recommends approval of the Jennings Landing sketch plan.***

**Jennings Landing Sketch Plan: located at 392 & 398 1700 Lane**

Vice Chairperson Pfalzgraff requested the applicant's presentation.

Matt Brezonick, Jehn Engineering, commented that staff's recommendations for the access, geological hazards, and the traffic study will definitely be addressed during the preliminary plat process. He reviewed the challenges of establishing sewer and water utilities, and mentioned that they had started the traffic study process. He hopes to be approaching the preliminary plat sometime this winter. He summarized the overall vision including the proposal of a recreation center and adult-type entertainment area.

Commissioner Jahn questioned whether the recreation center was going to be made available to the public or just the residents of the development.

Mr. Brezonick replied that they had not yet addressed that subject but would address it at preliminary plat.

Commissioner Bell expressed his concerns about the location of the park within the sketch plan and its compatibility with the state park at Sweitzer's Lake.

Commissioner Roberts also expressed concern of the park and questioned if they had intentions of installing a fence along the boundary line.

Mr. Brezonick, Jehn Engineering, in representation of Jennings Landing, replied that the concerns mentioned have not been proposed thus far in the planning stage and agreed that the issues should definitely be addressed.

Commissioner Roberts had questions regarding the layout along E Road, about a couple of double facing lots and the compliance with the code stating there will be no access from 2 streets into a lot. He stated that they might want to consider the option of a barrier. Also a fence may be necessary along E Road to insure the safety of children. He also questioned about the cul-de-sac located directly by the tennis courts regarding the distance to exit in the case of an emergency. In addition he questioned if many of the residents would drive to the park.

Mr. Brezonick replied that staff had recommended they propose a trail of walkways throughout the development.

Mr. Black suggested that they propose a dedication for future road building connecting 1700 Road with the easiest route being along the adjacent property containing the wetlands.

Commissioner Bell suggested that the approval of sketch plan should be postponed until it includes proposals for issues discussed.

Mr. Shoopman reminded the commission of the minimum requirements of a sketch plan and agreed that the issues should be addressed but at the preliminary level.

Mr. Black supported the reminder by reading from the city code and directing attention to the preliminary plat requirements vs. sketch plan requirements.

**Jennings Landing Sketch Plan: located at 392 & 398 1700 Lane**

Commissioner Roberts suggested that a note should be placed on the preliminary plat designating which lots are allowed to contain duplexes.

Vice Chairperson Pfalzgraff requested any public comment.

Carol Slaughter, owner of 62 acres adjacent to the Vo-tec, pointed out that the wetland areas on his property that he had surveyed (approximately 8 acres) had been registered as wetlands through the state. He stated the intention of building a church and expressed they had no desire for 1,000 cars daily passing by their church. He supports the development of the subdivision. His opinion of the park is that it would be better located in the middle of the subdivision.

Commissioner Roberts questioned the origin of the wetlands.

Carol Slaughter replied that it's from the seepage of the lake.

Vice Chairperson Pfalzgraff closed the public meeting and requested commissioner comments.

Commissioner Raley expressed that his only concern is about the alternate road.

Commissioner Grace stated that the size of the park doesn't seem to compensate for the density of the population that is to inhabit the development. She suggested moving the park to a more central location for equal accessibility by all the lots.

Commissioner Bell wanted to review the parking requirements.

Commissioner Raley motioned to recommend approval of the Jennings Landing Sketch Plan contingent upon staff recommendations and planning commission recommendations of a traffic study for an alternate access on the south side of the subdivision.

Commissioner Roberts stated that he would second the motion with the addition of reviewing the discussion of the Planning Commission.

Commissioner Raley included the addition in his motion.

All were in favor and the motion passed.

**The Shoppes at Delta PUD Sketch Plan: located at Stafford Lane & Crawford Avenue**

Vice Chairperson Pfalzgraff opened the public meeting and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

**The Shoppes at Delta PUD Sketch Plan: located at Stafford Lane & Crawford Avenue****Project Proposal**

*The Shoppes at Delta Sketch Plan proposes to convert approximately 18 acres into a commercial site with approximately 26 units for retail and office use.*

**Zoning Regulations**

*The property's zone district is B-3, which is intended for a large variety of uses that require large storage areas to conveniently serve customers.*

**Sketch Plan Requirements**

*Staff review of the sketch plan has found it to substantially comply with the sketch plan review requirements of 16.04.050 (C).*

**Required Improvements, Dedications, & Minimum Design Standards**

*The following will need to be addressed and/or corrected at preliminary:*

***1. Streets/Access:***

- A. Vehicle circulation, vehicle stacking, and truck unloading will need to be addressed further, particularly in regards to restaurant drive-thru's and the northeast retail strip.*
- G. A traffic study will be required.*
- H. Streets over the Bona Fide Ditch and at the east side of the property may need to be dedicated to the city.*
- I. Land dedication of 80' for use of the public is required the entire length of Crawford Ave.*
- J. Any new streets dedicated will need to be named.*
- K. An access easement or agreement will be needed north of the Bona Fide Ditch.*

***2. Utilities:***

*A sewer main may not be able to cross the Bona Fide Ditch. The south half of the proposal may need to connect into Crawford.*

***3. Easements:***

*Ditch, utility, and access easements need to be addressed (O'Neil access easement, easements north and west of property).*

***4. Storm Drainage:***

*A drainage study and soils report will be required.*

***5. Landscaping/Irrigation:***

- A. Landscaping plans will be reviewed at preliminary.*
- B. Detailed detention area design is required.*

**The Shoppes at Delta PUD Sketch Plan: located at Stafford Lane & Crawford Avenue****Required Improvements, Dedications, & Minimum Design Standards****6. Misc:**

- A. *Piping the Bona Fide Ditch will require Bona Fide Ditch Company approval and Corps of Engineers approval.*
- B. *Will need to include maintenance vaults for Bona Fide Ditch culvert extension.*
- C. *Development will be responsible to maintain the Bona Fide Ditch.*
- D. *Outlot A needs to include a building footprint, parking, & circulation.*
- E. *Parking spaces east of Office D are shown in the R.O.W. This needs to be corrected.*
- F. *Crawford Road needs to be changed to Crawford Ave.*
- G. *Sketch Plan approval shall expire 1 year from the date of such approval.*

**Staff Recommendations**

*This submittal appears to substantially comply with the sketch plan requirements of 16.04.050 (C). The issues listed above (minimum design standards) will need to be resolved during the preliminary process. The development must comply with all City requirements.*

*Staff recommends **approval** of The Shoppes at Delta PUD sketch plan.*

Mr. Shoopman stated that if the ditch is piped the developer would have the responsibility for maintaining it.

Commissioner Bell questioned the detention area drainage with the direction of the curve.

Mr. Black clarified the direction of the slope in relation to the curve.

Commissioner Roberts discussed the idea of dedicating right-of-way from Crawford Avenue North and questioned if the city was going to assist in the maintenance of the Bona Fide Ditch.

Mr. Shoopman clarified that there is a sufficient size of property to the North and East that could later be developed. The owner of the property has an access easement. If a road was dedicated it would open up and allow more access to the area to be developed. The developer has shown it as only able to serve the complex with only 35 foot width, being less than the design standard for street dedication. The minimum required width is 50 feet for a dedicated street.

Commissioner Roberts stated he did not understand why the city would consider maintaining the road in a PUD.

Mr. Black clarified by quoting the city code at 16.04.070H, Item 4: perpetual maintenance shall be provided pursuant to plat notes. The City should not be named responsible for said maintenance.

**The Shoppes at Delta PUD Sketch Plan: located at Stafford Lane & Crawford Avenue**

Mr. Black went into further detail explained that streets that allow connectivity or border to connectivity to adjacent or border adjacent parcels that are likely to be developed are also shown in the code. If the City feels that it would be to their advantage to have those streets then they would act on that. He talked more about other parcels in the area where developers were in the process of creating a high density housing development. So having another connectivity route through that area would be advantageous to the City.

Vice Chairperson Pfalzgraff requested the applicant's presentation.

Matt Brezonick, Jehn Engineering, and a representative from Chazco Development, Utah represented The Shoppes. Mr. Brezonick discussed the possible locations of the sewer route. The water will come from Stafford Lane. Taco Bell and possibly Walgreens will be bringing the water down to the northern boundary of the development. They are in the process of having a joint traffic study conducted along with the other new developments. He also mentioned straitening of the Bona Fide Ditch and some other possible details to be considered for the placement of the road. He anticipated returning in July with a preliminary presentation.

Tyler Bodrero, Chazco Development representative, discussed layout, access, curb and gutter, flow and creating compatibility with existing improvements.

Commissioner Roberts questioned what development would take place on Outlot A

Mr. Brezonick clarified that they hope to find a tenant for Outlot A.

Ray Penick, 660 1725 Road, questioned if the street over the Bona Fide Ditch would have curb and sidewalks. He would like to see more sidewalks.

Vice Chairperson Pfalzgraff closed the public meeting and requested commissioner comments.

Commissioner Roberts stated that he felt total concept looks good with a logical traffic flow.

Mr. Black reflected that the traffic study would include the impact on Highway 92, Crawford Ave. passed the industrial park to 1725 Road, and H Road.

Commissioner Roberts motioned to approve The Shoppes at Delta PUD sketch plan contingent upon the following: meeting all staff recommendations, Planning Commission recommendations that were discussed, and further study of street dedication.

**The Shoppes at Delta PUD Sketch Plan: located at Stafford Lane & Crawford Avenue**

Commissioner Raley seconded the motion.

All were in favor and the motion carried.

**Officer Elections**

Vice Chairperson Pfalzgraff reviewed the nominations from the prior meeting. He stated he was unable to accept his nomination.

Commissioner Raley wanted to state that he would accept either position even though he believed that others may have more qualifications.

Commissioner Roberts also stated that he would be willing to accept the chairperson position.

Commissioner Jahn nominated Commissioner Roberts.

Commissioners Bell and Raley withdrew their nominations for Chairperson.

All were in favor of Commissioner Roberts being the Chairperson.

Commissioner Jahn nominated Commissioner Raley for Vice Chairperson.

Commissioner Roberts seconded the motion.

All were in favor and the motion carried.

**Minutes**

Commissioner Roberts pointed out a correction to be made to the last sentence under the section of officer elections.

Commissioner Bell motioned for the approval of the minutes from the previous meeting on April 7<sup>th</sup>, 2007 with the exception of the correction to be made.

Commissioner Raley seconded the motion.

**Minutes**

All were in favor and the motion carried.

**Commissioner Comments**

Commissioner Bell wanted to review the comprehensive plan.

Commissioner Raley stated that he was pleased to meet all of the new members and welcomed them to the Planning Commission

Commissioner Jahn congratulated the new officers.

Commissioner Roberts stated that all should be involved in all of the meetings.

Commissioner Bell expressed his gratitude of Commissioner Pfalzgraff's assistance of taking on the chairperson's responsibilities for the limited time.

Commissioner Bell wants to be sure that issues will be addressed between the sketch and preliminary process.

**Staff Comments**

Mr. Black announced the arrival Tom Maynard who is a consultant from the Four Corners Planning. He stated that Dola had awarded the grant.

Mr. Black reminded that the Planning Commission is the Steering Committee + a few other members.

Commissioner Bell questioned if staff could arrange a workshop.

Mr. Black replied it would be up to Mr. Maynard's proposal.

The meeting adjourned at 9:43 p.m.

---

Lee A. Barber, Executive Secretary